REMARKS

The issues outstanding in the Office Action mailed January 11, 2005, are the requirement for restriction, the objection to the drawings, and the rejection under 35 U.S.C §§112, 102 and 103. Reconsideration of each of these issues, in view of the following discussion, is respectfully requested.

Requirement for Restriction

Applicants' traversal of the restriction requirement is maintained for the reasons of record.

Drawings

The drawing have been modified in order to change the numbering of the figures, as requested, to remove the French language. Moreover, the specification has been amended in order to insert descriptions of reference characters (5) and (12).

Rejections Under 35 U.S.C §112

The claims have been amended in order to address the issues raised at pages 3 and 4 of the Office Action, by making numerous grammatical and typographical changes. It is respectfully submitted that the claims fully satisfy the requirements of the statute, and withdrawal of the rejection is respectfully requested.

Rejections Under 35 U.S.C §102

Claims 1, 2, 12 and 17 have been rejected under 35 U.S.C §102(b) over Forster '919. Reconsideration of the rejection is respectfully requested. At the outset, it is noted that claim 1 has been amended in order to encompass the features of allowable claim 14. Moreover, newly added independent claim 26 also incorporates the allowable features of claim 14. Thus, these claims are not subject to the rejection. With respect to the remaining claims, it is evident that Forster does not have an apparatus-enabling establishment of a liquid level e.g., conduits crossing a chamber in a liquid tight manner. Patentees teach that the mixing chamber is installed so as to provide support for the catalyst layer (column 3, lines 35 - 37) and may "rest on a bracket

attached to the vessel wall" (column 3, lines 33 - 40) or may be attached to the wall. There is no teaching that liquid will or should accumulate on top of the mixing chamber. Indeed, the reference seems drawn to gas/gas operation (see column 1, lines 5 - 6) and, thus, not only lacks elements of the present claims, but fails to provide motivation for one of ordinary skill in the art to modify the reference in a manner so as to suggest the present invention. Withdrawal of this rejection is therefore respectfully requested.

Claims 1, 2, 12, and 17 have also been rejected under 35 U.S.C §102(b) over Framo (EP '249). Reconsideration of this rejection is also respectfully requested, inasmuch as Framo also fails to disclose a chamber crossed by conduits by which are liquid tight. Framo's chamber appears to be a gas/liquid chamber, and does not appear to disclose a construct other than one in which the entirety of the fluid is evacuated through the same outlet as the gas. See, for example, figure 1, outlet 17.

Claims 1, 2 and 19 - 21 have been rejected under 35 U.S.C §102(b) over Callebert '960. Similarly to the foregoing references, Callebert does not have liquid-type conduits crossing the chamber, thus allowing the establishment of a liquid level over the gas chamber. See column 7, lines 7 - 10, where it is taught that the fluid all passes *through* the mixing chamber. It is recognized, as noted at page 6 of the Office Action, that the secondary fluid is not an element of the apparatus. However, this does not change the fact that the reference does not disclose the conduits crossing the chamber in a *liquid-tight manner* so as to *allow* retention of a liquid level above a plate formed thereby. This is an apparatus feature. Withdrawal of this rejection is therefore also respectfully requested.

Claims 1, 2, 12 and 19 - 22 have also been rejection under 35 U.S.C §102 over Lodeng WO'424. Reconsideration of this rejection is also respectfully requested. As with the foregoing discussed references, Lodeng does not disclose structure allowing establishment of a liquid level, nor liquid-tight conduits. See Fig. 1. Withdrawal of this rejection is therefore also respectfully requested.

Claims 1, 2, 13, 15, 17, 19, 20 and 22 have been rejected under 35 U.S.C §102(b) over Pappas '586. Reconsideration of this rejection is also requested, as much as Pappas, similarly with the other references, fails to disclose liquid-tight conduits allowing the establishment of a

liquid level in the chamber. See column 1, lines 55 - 60, and column 2, lines 1 - 7. Accordingly, withdrawal of this rejection is also respectfully requested.

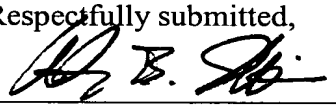
Rejection Under 35 U.S.C §103

Finally, claim 18 has been rejected under 35 U.S.C §103 over Pappas '586. Reconsideration of this rejection is also respectfully requested. As discussed above, in connection with the rejections under 35 U.S.C §102, Pappas fails to disclose liquid-type conduits traversing the chamber, so as to allow establishment of a liquid level. Accordingly, in the absence of a liquid level being established, one of ordinary skill in the art has no motivation to provide for the height of the conduits being such that they are higher than the maximum liquid level and thus to allow gas from an upper bed to be injected into a lower bed. Accordingly, the reference fails to suggest the necessary modification so as to arrive at the present invention, and withdrawal of the rejection is respectfully requested.

The claims of the application are submitted to be in condition for allowance. However, if the Examiner has any questions or comments, she is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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